IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1343 of 2007

SMT. BHAGWATI DEVI
V/S
LEKH RAJ & ORS.

Mr. MC BHOOT, for the appellant / petitioner

Mr. JITENDRA CHOPRA, for the respondent

Date of Order : 10.5.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

The contention raised by the learned counsel for the petitioner is that after death of the plaintiff Sukhiya Devi, Lekh Raj filed application for substitution of himself as legal representative claiming to have been adopted by Sukhiya Devi, and that application was allowed despite opposition by the petitioner. Thereupon an issue no. 10A has been framed about the factum of adoption of Lekh Raj by Sukhiya Devi. But now Lekh Raj, with a view to shift his stand, from being adopted son to be that of claiming under Will dt. 17.7.2006, filed application for taking the same on record, which was allowed and the application for recalling that order has been dismissed by the impugned order.

To this learned counsel for the respondent submits that the document purporting to be Will is being produced only for the purpose of proving the recitals therein, about Lekh Raj having been adopted by Sukhiya Devi, and Lekh Raj does not mean to rely upon this document, or use this document as a Will.

That being the position Mr. Bhoot has no objection in taking the document on record for the above limited purpose.

The writ petition is accordingly disposed of. The learned trial court is directed to decide the suit expeditiously.

(N P GUPTA),J.

/Sushil/